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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JAMES EDWARD JONES,

10 Plaintiff,

11 v.

12 SPECIAL COMMITMENT CENTER et al.,

13 Defendants.

14 Case No. 3:14-CV-05018-JRC

15 **ORDER GRANTING MOTION**
16 **FOR JURY TRIAL AND SETTING**
17 **TRIAL DATE AND PRETRIAL**
18 **SCHEDULE**

19 Plaintiff, James Edward Jones, appealed the district court's order granting summary
20 judgment in his 42 U.S.C. § 1983 action alleging that his constitutional rights were violated
21 while housed at the Special Commitment Center ("SCC") because the water in plaintiff's
22 housing unit was brown, had floating debris and caused plaintiff gastrointestinal distress and
23 vomiting. Dkt. 44 at 2-3. The Ninth Circuit Court of Appeals ruled that plaintiff had raised a
genuine issue of material fact as to whether defendant Strong violated his Fourteenth
Amendment rights and remanded this case for further proceedings. Dkt. 44. The Ninth Circuit
affirmed dismissal of all other claims and all other defendants. *See id.*

24 Before the Court is plaintiff's motion for a jury trial (Dkt. 47). The parties also conferred
25 and submitted a joint status report. Dkt. 49.

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27 ORDER GRANTING MOTION FOR JURY
28 TRIAL AND SETTING TRIAL DATE AND
29 PRETRIAL SCHEDULE- 1

1 **A. Motion for Jury Trial**

2 Based on the joint status report filed on April 22, 2016, the parties consent to permit
 3 Magistrate Judge Creatura to conduct all proceedings in this case, including a jury trial, and to
 4 order entry of judgment. Thus, plaintiff's motion (Dkt. 47) is granted.

5 **B. Pretrial Schedule**

6 Accordingly, the Court hereby finds and ORDERS the following pretrial schedule:

| Event | Date |
|--|---------------------|
| Plaintiff's Motion to Appoint Counsel | June 3, 2016 |
| Limited additional discovery to be completed by | September 16, 2016 |
| Mediation per LCR 39.1(c) held no later than | October 3, 2016 |
| Plaintiff's LCR 16(h) Pretrial Statement due | October 10, 2016 |
| Defendant's LCR 16(i) Pretrial Statement due | October 17, 2016 |
| All motions in limine must be filed by this date and noted on the motion calendar no later than the second Friday after filing. Any opposition papers shall be filed and served no later than the Monday before the noting date . | October 24, 2016 |
| Agreed LCR 16.1 Pretrial Order and exhibits due | November 28, 2016 |
| Jury Instructions and trial briefs due | December 2, 2016 |
| Final pretrial conference (LCR 16(l)) | To be set as needed |
| Jury Trial Estimated trial length: 5 days | December 12, 2016 |

1 **1. Appointment of Counsel**

2 Plaintiff may move for the Court to appoint counsel on or before June 3, 2016. The Court
3 notes that it has discretion to appoint counsel for indigent civil litigants pursuant to 28 U.S.C. §
4 1915(e)(1).

5 **2. Discovery and Cooperation**

6 All discovery matters are to be resolved by agreement if possible. *See CR 37.* Counsel
7 are also directed to cooperate in preparing the final pretrial order in the format required by CR
8 16.1, except as ordered below. This Order sets firm dates that can be changed only by order of
9 the Court, not by agreement of counsel for the parties. The Court will alter these dates only upon
10 good cause shown. If any of the dates identified in this Order or the Local Civil Rules fall on a
11 weekend or federal holiday, the act or event shall be performed on the next business day.

12 **3. Pretrial Statements, Orders and Exhibits**

13 The parties shall submit their respective pretrial statements and the agreed pretrial order
14 in conformity with LCR 16 and LCR 16.1. The original and one copy of the trial exhibits are to
15 be delivered to Judge Creatura's chambers on the date the pretrial order is due. Each exhibit
16 shall be clearly marked. Each set of exhibits shall be submitted in a three-ring binder with
17 appropriately numbered tabs.

18 **4. Settlement and Mediation**

19 The Court designates this case for mediation under LCR 39.1(c), and the parties are
20 directed to follow through with the procedures set forth in that rule. If this case settles,
21 plaintiff's counsel shall notify the Court. Pursuant to LCR11(b), an attorney who fails to give
22 the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court
23 deems appropriate.

ORDER GRANTING MOTION FOR JURY
TRIAL AND SETTING TRIAL DATE AND
PRETRIAL SCHEDULE- 3

1 The Clerk is directed to send copies of this Order to all parties of record.

2 DATED this 11th day of May, 2016.

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J. Richard Creatura
United States Magistrate Judge

ORDER GRANTING MOTION FOR JURY
TRIAL AND SETTING TRIAL DATE AND
PRETRIAL SCHEDULE- 4